

August 16, 1965

CONGRESSIONAL RECORD — SENATE

19795

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CARLSON. Mr. President, will the Senator yield?

Mr. McNAMARA. I yield.

Mr. CARLSON. Mr. President, I have listened with great interest to the statement made by the distinguished Senator from Michigan [Mr. McNAMARA] in regard to the program on economic opportunity.

There is a need for this type of work. I have a very high regard for the Administrator of this national program.

I want to know if the distinguished chairman of the committee went into the possibility of obtaining closer local cooperation. I have had some contact with the matter. I have followed it with some interest.

I find that groups of private citizens, who have taken an interest in this field in various communities, seem to be ignored at the present time.

Has the chairman any suggestion on that?

Mr. McNAMARA. No, I do not have any suggestion as to how it might be improved. It has been the experience of the committee, through the hearings we conducted, that while there has been some competition among local groups for leadership in the program, there was no charge that local people did not have an opportunity to participate. I do not know where that situation prevails; therefore, I have no suggestion.

Mr. CARLSON. I am not criticizing the way the bill has been set up to carry out the program. My point is that we have citizens who for years have been interested in welfare programs. They know the conditions in their communities better than anyone else, and they should be allowed to participate.

Mr. McNAMARA. If the Senator will yield, the proposed act provides for participation of local groups. There is every indication that in the implementation of the act they have been consulted with respect to the program.

Mr. CARLSON. I thank the Senator for that information. I sincerely hope they will be. These people have been interested in the welfare of their communities and are still interested. That does not mean that there is nothing else that needs to be done, but I hope that those people will be tied into the program.

Mr. McNAMARA. I could not agree more with the distinguished Senator from Kansas.

The PRESIDING OFFICER. The committee amendment is open to amendment.

Mr. McNAMARA. Mr. President, I know there are amendments at the desk. I know of none on the majority side. I suggest the absence of a quorum. I hope the staff will contact minority Members.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McNAMARA. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment is open to amendment.

CONSULAR CONVENTION WITH THE SOVIET UNION

Mr. LAUSCHE. Mr. President, I ask unanimous consent that I may discuss a subject not immediately germane to the matter pending before the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Ohio is recognized.

Mr. LAUSCHE. Mr. President, on August 10 there was filed with the Senate a dissenting opinion concerning the wisdom of adopting the Consular Convention With the Soviet Union. This Consular Convention contains a provision that is unprecedented in the history of our country. The convention that is to be approved between the Soviet Union and the United States contains a provision granting complete immunity from criminal prosecution to consular agents of Soviet Russia in the United States and those of the United States in Soviet Russia.

The general practice has been that immunity from criminal prosecution is granted to consular agents only in regard to misdemeanors.

This convention goes beyond that and it, in effect, declares that no criminal prosecution shall be brought against a consular agent of Red Russia in the United States, even though he has committed a felony. It means that if proof is existent concerning espionage by a consular agent, let us say in Chicago or San Francisco, that agent is granted immunity from prosecution.

I repeat that it will be the first time we have ever entered into such an agreement. In the past the immunity has been limited against prosecutions for misdemeanors.

The minority views are signed by the senior Senator from Ohio [Mr. LAUSCHE], the Senator from Iowa [Mr. HICKENLOOPER], the Senator from Delaware [Mr. WILLIAMS], and the Senator from South Dakota [Mr. MUNDT].

It was the intention of the Senator from Kansas [Mr. CARLSON] that he would also be a signatory to the minority views. Inadvertently the name of the Senator from Kansas was omitted.

I ask unanimous consent that the minority views be printed in the RECORD, and that the name of the Senator from Kansas [Mr. CARLSON] be added as one of the participants in the minority views expressed.

The PRESIDING OFFICER (Mr. HARRIS in the chair). Without objection, it is so ordered.

There being no objection, the minority views were ordered to be printed in the RECORD, as follows:

CONSULAR CONVENTION WITH THE SOVIET UNION—MINORITY VIEWS

We do not concur with the recommendation of the Committee on Foreign Relations that the Senate give its advice and consent to ratification of the Consular Convention With the Union of Soviet Socialist Republics. We believe that the disadvantages of the convention for the United States are sufficiently grave to outweigh the advantages which are claimed for it.

Our concern relates principally to the provisions in the convention under which consular officers and employees of the sending state are given immunity from the criminal jurisdiction of the receiving state. This convention is the first to which the United States has been a party which provides for unlimited exemption from criminal jurisdiction for consular personnel. Previous consular conventions have provided for immunity from criminal jurisdiction for consular personnel with respect only to misdemeanors but not to felonies. We believe that if the provisions regarding immunity had not been included in the convention, the Soviet Union would not have agreed to it and that, in fact, these provisions were a principal Soviet objective. The testimony of witnesses from the Department of State has been contradictory on the question of whether the Soviet Union or the United States first proposed including these immunity provisions in the convention.

In any case, we believe that the extension of immunity to include felonies would open the way to espionage and other forms of subversion on the part of Soviet consular personnel. If this convention is ratified, and if the Soviet Union then establishes a consulate or consulates in the United States, the officers and employees of these consulates would be able to engage in espionage and subversion knowing that they will not be liable to prosecution but only to expulsion.

It is true that the establishment of a Soviet consulate or consulates would mean only a small increase in the number of Soviet officials with immunity from criminal jurisdiction (as of July 1, 1965, there were 249 Soviet officials and 150 dependents who enjoyed diplomatic immunity). We are convinced, however, that there is a predisposition on the part of Soviet officials to engage in espionage and subversive activities, a predisposition which is an important consideration regardless of the numbers involved. In this connection, it is important to recall the testimony of J. Edgar Hoover, Director of the Federal Bureau of Investigation, before a subcommittee of the Committee on Appropriations of the House of Representatives on March 4, 1965. In a statement inserted in the record justifying the appropriations being requested for the Federal Bureau of Investigations, Mr. Hoover said:

"In regard to the Communist-bloc espionage attack against this country, there has been no letup whatsoever. Historically, the Soviet intelligence services have appropriated the great bulk of official representation and diplomatic establishments in other countries as bases from which to carry on their espionage operations. Over the years, the number of such official personnel assigned to the United States has steadily increased."

In testimony relating to this statement during the March 4 hearing Mr. Hoover stated that "our Government is about to allow them [the Soviet Union] to establish consulates in many parts of the country which, of course, will make our work more difficult." Mr. Hoover then inserted in the record of the hearing several other brief statements. The first read, in part, as follows:

"The methods used to collect data sought by the Communist-bloc intelligence services are almost as varied as the types of data which they endeavor to collect. One of their mainstays is the collection of information—classified and otherwise—through espionage operations involving personnel legally assigned to official Soviet and satellite establishments in the United States. The focal points of these operations continue to be the United Nations and the Communist embassies, legations, consulates, and news or commercial agencies in our country. Such gathering of information is conducted by the Communist representatives using the

19796

CONGRESSIONAL RECORD — SENATE

August 16, 1965

legal cover of their diplomatic or other official status to cloak their spying activities.

"Historically, the Soviet intelligence services have appropriated the great bulk of official positions abroad, primarily using their official representatives and diplomatic establishments in other countries as bases from which to carry on their espionage operations."

A second statement related specifically to the question of new Soviet consulates. It read as follows:

"Long seeking greater official representation in the United States which would be more widely spread over the country, a cherished goal of the Soviet intelligence services was realized when the United States signed an agreement with the Soviet Union on June 1, 1964, providing for the reciprocal establishment of consulates in our respective countries.

"One Soviet intelligence officer in commenting on the agreement spoke of the wonderful opportunity this presented his service and that it would enable the Soviets to enhance their intelligence operations.

"In involving the great bulk of their official personnel in intelligence activity in one way or another, the Soviets utilize to the fullest extent possible any and all official means such as the United Nations, trade delegations, and the like, as transmission belts to carry additional intelligence personnel into this country."

More recently, on July 14, 1965, Mr. Hoover, reviewing the major phases of the operations of the Federal Bureau of Investigation during the past fiscal year, stated:

"The great majority of the 800 Communist bloc official personnel stationed in the United States, protected by the privilege of diplomatic immunity, have engaged in intelligence assignments and are a dangerous threat to the security of the United States."

We believe that these statements of the chief investigative officer of the United States should be given serious consideration. It is also worth looking at the record of the activities of Soviet officials in the United States. According to information supplied by the Department of State, since 1946, 27 Soviet Embassy and consular officers and personnel in the United States have been arrested or expelled for intelligence activity. These 27 included personnel assigned to the Soviet Embassy in Washington, the Soviet consulate general in New York (which was closed in 1948), the Soviet mission to the United Nations, and the United Nations Secretariat. In the same period, 13 diplomatic, consular, and international organization officials from Czechoslovakia, Hungary, and Rumania were expelled from the United States for intelligence activities.

There is another grave aspect to these immunity provisions, and that is the chain reaction that will be set off if this convention is ratified. The provisions regarding immunity will then apply not only to Soviet consular personnel but may also apply to consular personnel of the 27 other countries with which the United States has consular conventions or agreements which contain a most-favored-nation clause. These 27 countries include 2 other Communist countries: Rumania and Yugoslavia. As a practical matter, as there are no Rumanian consulates in the United States at present, there would not be any immediate increase in the number of Rumanian official personnel enjoying complete immunity from criminal prosecution. If any Rumanian consulates were established in the United States in the future, however, their consular personnel would enjoy such immunity.

We are thus opposed to the convention because we consider the provisions granting unrestricted immunity from criminal jurisdiction to Soviet consular personnel to be unwise. We believe that these immunity provisions will encourage Soviet subversion

by placing Soviet consular personnel outside the criminal jurisdiction of the United States. We also believe that it is not in the interests of the United States to extend this immunity to several hundred, perhaps as many as 400, persons which would be the case given the fact that most-favored-nation clauses are found in consular conventions and agreements the United States has with 27 other countries.

FRANK J. LAUSCHE,
BOURKE HICKENLOOPER,
JOHN J. WILLIAMS,
KARL E. MUNDT.

ECONOMIC OPPORTUNITY AMENDMENTS OF 1965

The Senate resumed the consideration of the bill (H.R. 8283) to expand the war on poverty and enhance the effectiveness of programs under the Economic Opportunity Act of 1964.

The PRESIDING OFFICER. The committee amendment is open to amendment.

Mr. DOMINICK. Mr. President, I send an amendment to the desk and ask that the clerk report it, but what I should like to do is to have the amendment printed so that it will be available tomorrow for voting. I shall discuss it today, but I send the amendment to the desk for information at this time.

The PRESIDING OFFICER. The Senator does not wish the amendment stated at this time?

Mr. DOMINICK. That is correct. I send it to the desk for information.

The PRESIDING OFFICER. Without objection, it is so ordered, and the amendment to the committee amendment will be printed in the Record.

The amendment to the amendment is as follows:

On page 28, line 24, strike out "\$535,000,000" and insert in lieu thereof "\$412,500,000".

On page 29, line 10, strike out "\$880,000,000" and insert in lieu thereof "\$490,000,000".

On page 29, line 23, strike out "\$55,000,000" and insert in lieu thereof "\$35,000,000".

On page 30, line 22 strike out "\$30,000,000" and insert in lieu thereof "\$10,000,000".

Mr. DOMINICK. Mr. President, inasmuch as I have the floor, I believe that I should say something about the amendment.

This amendment is similar to the one I offered in committee. It would control the spending on a program which is beset with difficulties, a program in which more was authorized last year than was appropriated, a program which has not been clarified so far as the administration and the good it is doing for the poor are concerned. Therefore, my amendment is designed to bring back to last year's authorization the proposed figures in this year's bill. In other words, I will be cutting back on the extension of the authorization from double last year's authorization to the same amount as last year's authorization.

I believe that I can do this in figures, for the information of Senators, by the chart which was before us during the executive committee hearings, showing what last year's authorization and appropriations were.

Mr. President, I hold this chart in my hand, and it shows that last year, for example, there was authorized for fiscal

1965, \$947.5 million. When the bill was studied by the Appropriations Committee, however, for last year, the total appropriation was \$793 million, or a total of approximately \$150 million less than was authorized by Congress.

Ordinarily, this would be considered normal in the first year of a program. Then I would say that in the second year of a program, as we start working out problems and trying to solve the unforeseen difficulties involved in a new program, we would probably add a little more money to it.

My purpose would be to bring the authorization for this fiscal year up to the same authorization as last year, plus an additional \$150 million which is called for under the so-called Nelson amendment.

Instead of the \$947.5 million, the committee reported a proposal which is \$1,650 million—more than \$700 million over what was spent last year when the appropriation was not as much as the authorization.

To me, it seems absolute nonsense to take a program which is so beset from the beginning to the end with problems on a nationwide basis, and say that we are going to double the amount of money involved in it.

Accordingly, my amendment, when it is reported and brought up for a vote—and I hope that it will be bought up for a vote—will have the purpose of cutting back the total authorization to \$947.5 million plus \$150 million for the Nelson amendment, which brings it to just slightly over \$1 billion, or at least \$600 million less than what was called for in the program.

Mr. President, I should like to be able to support H.R. 8283 because along with every other Senator in this body, regardless of political party, we share a sense of responsibility to the poor of America, and would like to do something which would enable us to provide a mechanism by which the poor themselves could get on their feet, regain their self-respect, and enjoy an economic livelihood. I cannot think of anything better than to be able to participate in the enactment of a bill which would begin a true war on poverty.

However, so long as the Great Society's efforts against poverty continue to be so blatantly political and so fraught with blunders, I cannot support a bill which would serve only to compound the errors and exacerbate the weaknesses of the existing laws. I am speaking particularly about the poverty program in this respect.

In order to implement debate and the functions of the antipoverty program in the Office of Economic Opportunity, I wish to review briefly some of the troubles of the poverty program in my own State of Colorado.

Colorado has been fortunate in that the poverty war programs in the State have not been hit by such horrible scandals as have occurred in Florida, Indiana, and elsewhere.

In that connection, I believe I should say at this point that the minority views detail the scandals. I believe that it is